

**THE  
BUCK  
LAW GROUP**

Peter L. Buck  
pbuck@bucklawgroup.com

August 25, 2009

Seattle City Council  
Planning, Land Use and Neighborhoods Committee  
c/o Seattle City Clerk  
600 Fourth Avenue, Floor 3  
P.O. Box 94728  
Seattle, WA 98124-4728

FILED  
CITY OF SEATTLE  
AUG 25 PM 4:31  
CITY CLERK

RE: Appeal of Hearing Examiner Findings and Recommendation in the Application of Seattle Children's Hospital for Approval of a MIMP

Dear Committee Members:

This firm represents Dixie and Steve Wilson. They are parties of record in the above-referenced matter and hereby file an appeal of the above-referenced decision and ask that it be reversed and that the application be granted.<sup>1</sup>

It is believed that the Hearing Examiner failed to review the record before her, particularly the comment letters attached to the EIS which were invited by the City as comments on the DEIS and on the application. Thus, the Hearing Examiner failed to review significant factual evidence. This failure is reflected in numerous ways throughout her Findings and Conclusions.

The Examiner erroneously made judgments and statements about the community and about Laurelhurst. It is apparent that she erroneously failed to distinguish between LCC's views and those of residents of Laurelhurst. It is apparent that she took an insular view of the "community" and the relevant neighborhoods (plural under the code) to include in the balancing required by the Code.

The Examiner failed to make the key balancing decisions called for by 23.69.002 B which directs the City to "Balance the Major Institution's ability to change and the public benefit derived from change with the need to protect the livability and vitality of adjacent neighborhoods . . . ." (emphasis added). She similarly failed under SMC 23.69.025 to "balance the needs of the Major Institutions to develop

<sup>1</sup> The Wilsons adopts by this reference the appeal arguments of the other parties supporting the Children's Hospital position, including Children's Hospital's requests for modifications of conditions.

**The Buck Law Group, PLLC**

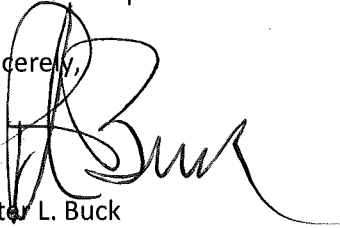
2030 First Avenue, Suite 201 • Seattle, Washington 98121  
Phone: 206.448.6229 Fax: 206.448.6291 www.bucklawgroup.com

To: Seattle City Council  
August 25, 2009  
Page 2 of 2

facilities for the provision of health care or educational services with the need to minimize the impact of Major Institution development on surrounding neighborhoods." (emphasis added).

The Wilsons ask the Council to adopt the balancing implicit in the recommendation of the Citizens' Advisory Committee staffed by the Department of Neighborhoods. It held 26 public meetings over a period of 18 months. HE Decision at 4. It received 248 public comments. *Id.* It reviewed and commented on the SEPA documents. *Id.* The Citizens' Advisory Committee has supplied all of the support possibly needed for the Council to make a better balancing decision than that of the Hearing Examiner. The same is true of the recommendation of the Department of Planning and Development.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Buck", with a long horizontal flourish extending to the right.

Peter L. Buck